

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**MICHAEL W. INGRAM,**

**Plaintiff,**

**v.**

**DARON HALL, SHERIFF; AUSTIN BODIE,  
ADMINISTRATOR; ABL FOOD  
SERVICE, INC.; JERRY MATHES,  
FOOD SERVICE DIRECTOR; V. DULIN,  
FOOD SERVICE DIRECTOR; SGT. BARNES,  
DAVIDSON COUNTY SHERIFF'S OFFICE;  
SGT. FREEMAN, DAVIDSON COUNTY  
SHERIFF'S OFFICE; SGT. McCUTCHEON,  
DAVIDSON COUNTY SHERIFF'S OFFICE,**

**Defendants.**

**Civil Action No. 3:09-CV-00037**

**JUDGE TRAUGER**

**MAGISTRATE KNOWLES**

**AFFIDAVIT OF BABETTE LANIUS**

Babette Lanus, after being duly sworn in accordance with the law, deposes and testifies as follows:

1. I am a resident of Ponchatoula, Louisiana. I am an adult over eighteen (18) years of age. The matters in this Affidavit are made of my personal knowledge. They are facts and opinions which I believe would be admissible in evidence and I affirmatively state that I am competent to testify to the matters contained herein.

2. From April 2004 to the present, I have served as the Corporate Dietitian for ABL Management, Inc. My qualifications to testify as a dietitian and expert witness are listed on Exhibit 1 to this Affidavit. I confirm that they are accurate and up-to-date.

3. Someone at the Davidson County Justice Center contacted me and asked me to prepare a vegetarian diet for Michael Ingram. An official of the Davidson County Justice Center

(the "Facility") is required to designate a special diet for any inmate. Exhibit 2 is a copy of the Inmate Special Diet generated by the Facility. There are various kinds of medical diets for inmates with different medical conditions. A vegetarian diet is not a medical diet, but is a religious diet, and is normally designated by a chaplain.

4. After being requested to designate a religious vegetarian diet with no beans for Michael Ingram, I originally prepared a one-page diet, which is Exhibit 3 to this Affidavit.

5. After that diet had been placed into service, I was contacted again by someone from the Facility and asked to prepare a diet for Michael Ingram that had more variety and that did not contain beans. I prepared a 7-day Lacto-Ovo vegetarian no beans diet, which is attached as Exhibit 4, which is 2 pages. This diet was generated on June 23, 2009.

6. There are over 2,900 calories in the regular diet fed to the general population. 2,700 calories is adequate for a man of Michael Ingram's age. My goal is to have more than 2,700 calories in a vegetarian diet.

7. I have analyzed the diet that I later wrote for Michael Ingram, which is Exhibit 4. The seven (7) day average for this diet is 3,135 calories daily.

8. The Lacto-Ovo vegetarian no beans diet was requested by the officials of the Facility and Exhibits 3 and 4 are adequate diets for the maintenance of good health of Michael Ingram, and they are in accordance with all the standards of the dietary industry.

9. I have signed the Lacto-Ovo vegetarian no beans diet above the "Saturday" column. Following my name, the letters MS stand for Master of Science, the letters LDN stand for Licensed Dietitian, and the letter N stands for Nutritionist.

10. All opinions expressed in this Affidavit are made with reasonable scientific certainty.

FURTHER, DEPONENT SAITH NOT.

Babette Lanius  
Babette Lanius

STATE OF LOUISIANA )  
PARISH OF EAST BATON ROUGE)

On this 9<sup>th</sup> day of SEPTEMBER 2009, personally appeared Babette Lanius to me known to be the person described in the foregoing Affidavit and the person who executed the foregoing Affidavit and acknowledged that she executed the same of her free act and deed after taking an oath.

Rain Leavel Chaney # 8998  
Notary Public

My Commission Expires: at death

## RESUME OF DIETITIAN

**Babette G. Lanius**

### EXPERIENCE:

4/2004 to Present    **ABL Management, Inc.**  
**Corporate Dietitian**

2002-2004    Hammond Development Center, Hammond, LA  
Registered Dietitian

- Complete nutritional assessments and periodic reviews for individuals with developmental disabilities
- Make recommendations to physicians in regards to diet changes, tube feeding, etc. to promote optimal health of the individual
- Participate as a member of the ID Team managing the total care of the individual

Provider Options Management Service, Covington, LA  
Food Service Manager / Clinical Dietitian

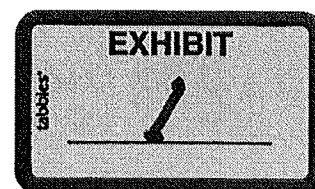
- Managed the food service operation of an in-patient psychiatric facility
- Completed nutritional assessments and reviews with in-patients
- Conducted nutrition education classes promoting optimum nutritional health

1990-1998    Magnolia School, Inc., Jefferson, LA  
Food Service Manager / Clinical Dietitian

- Managed the food service operation of an ICF-MR facility
- Completed nutritional assessments and periodic reviews for individuals with developmental disabilities
- Made recommendations to physicians in regards to diet changes to promote optimal health of the individual
- Participate as a member of the ID Team managing the total care of the individual

1985-1990    Coliseum Medical Center, New Orleans, LA  
Food Service Manager / Clinical Dietitian

- Managed the food service operation of an in-patient psychiatric facility
- Completed nutritional assessments and reviews with in-patients
- Participated as a member of the eating disorders team providing individual and group counseling as well as public speaking engagements



## **RESUME OF DIETITIAN (Continued)**

- 1984-1987 Pilot Services, New Orleans, LA  
Catering Director / Consultant Dietitian
- Planned and implemented catering functions for Loyola University
  - Planned and implemented a nutrition program for the students of the university
  - Provided diet counseling for students
  - Public speaking concerning nutrition
- 1980-1982 Valley Food Services, Baton Rouge, LA  
Coordinator of Elderly Feeding / Consultant Dietitian
- Responsible for assuring 70 elderly feeding sites met the standards of the company and the state of Louisiana
  - Supervised the production of 3000 meals per day
  - Implemented new procedures and fiscal accountability in hospitals
  - Completed dietary audits
- 1979-1980 St. Frances Cabrini Hospital, Alexandria, LA  
Clinical Dietitian
- Nutritional care of patients in a 300-bed hospital
  - Formulated tube feedings and special diets
  - Planned menus for patients and employee cafeteria
  - Developed policy and procedure manuals and diet manuals
  - Provided in-service training to dietary employees
- 

## **EDUCATION**

- 1973-1979 Louisiana Tech University, Ruston, LA
- MS degree Home Economics (Graduated Summa Cum Laude)
  - BS degree Dietetics
  - BS degree Home Economics Education

| Inmate Detail |        |                    |                  |                |       |
|---------------|--------|--------------------|------------------|----------------|-------|
| IS No         | OC No  | Inmate Name        | Housing Location | Security Level | STP   |
| 65033         | 103310 | RAM, MICHAEL WAYNE | POC 345 155      | Maximum        | 01/04 |

| Special Diet History |            |                  |                   |  |  |
|----------------------|------------|------------------|-------------------|--|--|
| Diet Type            | Start Date | End Date         | Comment           |  |  |
| Vegetarian           | 09/24/2007 | 09/23/2009 12:31 | allergic to beans |  |  |
| Vegetarian           | 09/09/2008 | 09/23/2009 12:31 | allergic to beans |  |  |
| Vegetarian           | 12/03/2009 | 01/02/2009 12:00 | allergic to beans |  |  |
| Vegetarian           | 11/07/2008 | 01/02/2009 12:00 | allergic to beans |  |  |
| Vegetarian           | 06/10/2008 | 01/03/2009 12:23 | allergic to beans |  |  |
| Vegetarian           | 05/13/2008 | 01/03/2009 12:23 | allergic to beans |  |  |
| Vegetarian           | 03/05/2008 | 01/03/2009 12:23 | allergic to beans |  |  |

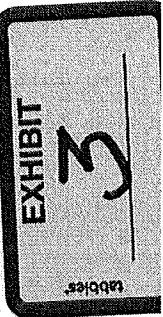




| RELIGIOUS   |
|---|
| Lacto-Ovo Vegetarian-No Beans                           |
| Breakfast-No Meat or Meat Products                      |
| Fresh Fruit-1EA   |
| 1 Cup Hot Cereal  |
| 4OZ Scrambled Eggs or 2 HB Eggs                         |
| 1OZ Cheese or Peanut Butter                             |
| 2 EA Toast, Biscuit, Waffles, Pancakes, or French Toast |
| 1 TBSP Margarine  |
| 1 TBSP Jelly  |
| 1 Cup Coffee  |
| 2EA Sugar Packets                                       |
| 1 cup Reduced Fat Milk                                  |
| Lunch-No Meat or Meat Products                          |
| 2 OZ Cheese, Peanut Butter, or Egg                      |
| 4 Slices Bread  |
| 1EA Mayonnaise Packet                                   |
| 1EA Mustard Packet                                      |
| 1C Vegetable Sticks                                     |
| 1 Serving Dessert                                       |
| Beverage with Vitamin C                                 |
| Supper-No Meat or Meat Products                         |
| 2 OZ Cheese, Peanut Butter, or Egg                      |
| 1 Cup Potatoes, Rice, or Noodles                        |
| 1/2C Seasoned Vegetable or 1/2C Salad with Dressing     |
| 4 Slices Bread  |
| 1 TBSP Margarine  |
| 1 Serving Dessert                                       |
| 1 cup Reduced Fat Milk                                  |

| Lacto-Ovo Vegetarian Diet No Beans    |          |        |   | August 21, 2009 |
|---------------------------------------|----------|--------|---|-----------------|
| Total Weight:                         | 88 oz-wt |        |   |                 |
| Serving Size:                         | 88 oz-wt |        |   |                 |
| Serves:                               | 1        |        |   |                 |
| Cost:                                 | --       |        |   |                 |
| % comparison to: US Mkt (19-34 years) |          |        |   |                 |
| Nutrient                              | Value    | Cost % | 0 | Bar Graph       |
| Basic Components                      |          |        |   |                 |
| Calories                              | 3318     | 12%    |   |                 |
| Protein                               | 97 g     | 17%    |   |                 |
| Carbohydrates                         | 415 g    | 11%    |   |                 |
| Fat - Total                           | 146 g    | 17%    |   |                 |
| Vitamins                              |          |        |   |                 |
| Vitamin A IU                          | 28000 IU | 64%    |   |                 |
| Vitamin B1                            | 3 mg     | 270%   |   |                 |
| Riboflavin B2                         | 4 mg     | 277%   |   |                 |
| Niacin B3                             | 32 mg    | 189%   |   |                 |
| Vitamin C                             | 131 mg   | 134%   |   |                 |
| Minerals                              |          |        |   |                 |
| Calcium                               | 1572 mg  | 157%   |   |                 |
| Iron                                  | 28 mg    | 146%   |   |                 |

Bakker, J. R., M.S., L.D., R.D.



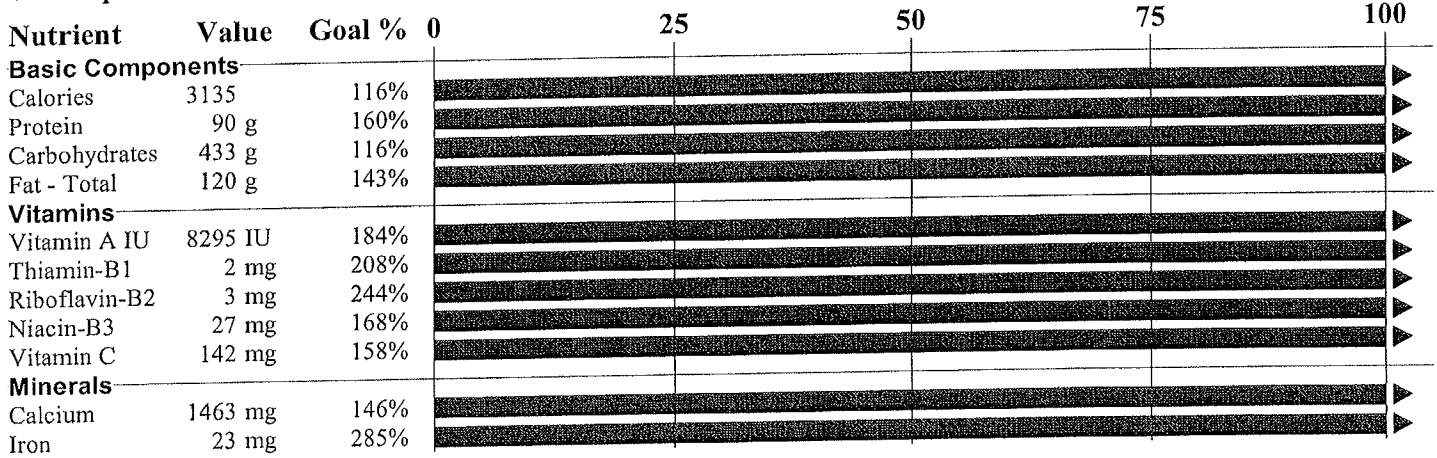
# 7 Day Average-Lacto-Ovo Veg-No Beans

August 20, 2009

Total Weight: 570 oz-wt  
 Serving Size: 81 oz-wt  
 Serves: 7  
 Cost: --

% comparison to: US Male (19-30 years)

Bar Graph

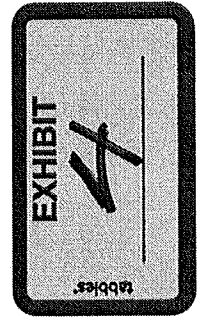




**Lacto-Ovo Vegetarian-No Beans**

*Balaram, A. R., M.S. Lax, etc.*

| SATURDAY  | SUNDAY  | MONDAY  | TUESDAY  | WEDNESDAY   | THURSDAY  | FRIDAY  |
|---|---|---|--|---|---|---|
| Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1C Oatmeal<br>30Z Scrambled Eggs<br>2 Waffles<br>1 TBSP Margarine<br>2 TBSP Syrup<br>1 TBSP Jelly<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>20Z Peanut Butter<br>2 TBSP Jelly<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Celery Sticks-1/2C<br>Glazed Cake<br>Beverage with Vitamin C | Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1C Grits<br>30Z Scrambled Eggs<br>2 Waffles<br>1 TBSP Margarine<br>2 TBSP Syrup<br>1 TBSP Jelly<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>20Z Peanut Butter<br>2 TBSP Jelly<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Celery Sticks-1/2C<br>Glazed Cake<br>Beverage with Vitamin C | Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1C Cornflakes<br>30Z Scrambled Eggs<br>Pancakes-2EA<br>1 TBSP Margarine<br>2 TBSP Syrup<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>2 Hard Boiled Eggs<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Bell Pepper Strips-1/2C<br>Glazed Cake<br>Beverage with Vitamin C | Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1 Cup Oatmeal<br>30Z Scrambled Eggs<br>Pancakes-2EA<br>1 TBSP Margarine<br>2 TBSP Syrup<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>20Z Cheese<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Carrot Sticks-1/2C<br>Glazed Cake<br>Beverage with Vitamin C | Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1 Cup Grits<br>30Z Scrambled Eggs<br>2 Slices Bread<br>1 TBSP Margarine<br>1 TBSP Jelly<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>20Z Peanut Butter<br>2 TBSP Jelly<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Celery Sticks-1/2C<br>Glazed Cake<br>Beverage with Vitamin C | Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1C Cornflakes<br>30Z Scrambled Eggs<br>Biscuits-2<br>1 TBSP Margarine<br>1 TBSP Jelly<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>2 Hard Boiled Eggs<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Bell Pepper Strips-1/2C<br>Glazed Cake<br>Beverage with Vitamin C | Lacto-Ovo Vegetarian-No Beans<br>Breakfast-No Meat or Meat Products<br>Fresh Orange 1EA<br>1C Grits<br>30Z Scrambled Eggs<br>2 Waffles<br>1 TBSP Margarine<br>2 TBSP Syrup<br>1 TBSP Jelly<br>1 Cup Coffee<br>2EA Sugar Packets<br>1 cup Reduced Fat Milk<br>Lunch-No Meat or Meat Products<br>20Z Peanut Butter<br>2 TBSP Jelly<br>4 Slices Bread<br>1EA Mayonnaise Packet<br>1EA Mustard Packet<br>Celery Sticks-1/2C<br>Glazed Cake<br>Beverage with Vitamin C |
| Supper-No Meat or Meat Products<br>2 Hard Boiled Eggs<br>1 cup Mashed Potatoes with Margarine<br>1/2C Tossed Salad/Dressing<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk  | Supper-No Meat or Meat Products<br>20Z Cheese<br>1 cup Rice with Margarine<br>1/2C Coleslaw<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk  | Supper-No Meat or Meat Products<br>20Z Peanut Butter<br>2 TBSP Jelly<br>1 cup Noodles with Margarine<br>1/2C Tossed Salad/Dressing<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk   | Supper-No Meat or Meat Products<br>2 Hard Boiled Eggs<br>1 Cup Mashed Potatoes with Margarine<br>1/2C Cooked Cabbage<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk  | Supper-No Meat or Meat Products<br>20Z Cheese<br>1 cup Rice with Margarine<br>1/2C Coleslaw<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk  | Supper-No Meat or Meat Products<br>20Z Peanut Butter<br>2 TBSP Jelly<br>1 cup Noodles with Margarine<br>1/2C Tossed Salad/Dressing<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk   | Supper-No Meat or Meat Products<br>20Z Cheese<br>1 cup Rice with Margarine<br>1/2C Cooked Cabbage<br>4 Slices Bread<br>1 TBSP Margarine<br>Glazed Cake<br>1 cup Reduced Fat Milk  |



# 7 Day Average-Lacto-Ovo Veg-No Beans

August 20, 2009

Total Weight: 570 oz-wt  
Serving Size: 81 oz-wt  
Serves: 7  
Cost: --

% comparison to: US Male (19-30 years)

Bar Graph

